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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

September 2015 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN STEVEN VO,
aka "Phong Cao Nguyen,"
CHRISTOPHER HOANG DO,
aka "Andrew Nguyen,"
DAT THE PHAM,
VU TIEN NGUYEN, and
PHI HUNG NGUYEN,
aka "Joshua Liang,"
aka "Haghighi Niloufar,"
aka "Yang Li Jing,"

Defendants.

SACR 15-00115

I N D I C T M E N T

[18 U.S.C. § 1029(b)(2):
Conspiracy to Commit Access Device
Fraud; 18 U.S.C. § 1029(a)(3),
(c)(1)(B): Possession of Fifteen
or More Counterfeit and
Unauthorized Access Devices; 18
U.S.C. § 1029(a)(3): Possession of
Fifteen or More Counterfeit and
Unauthorized Access Devices; 18
U.S.C. § 1029(a)(4), (c)(1)(B):
Possession of Device-Making
Equipment; 18 U.S.C. § 1029(a)(5):
Access Device Fraud; 18 U.S.C.
§ 1028A(a)(1): Aggravated Identity
Theft]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1029(b)(2)]

A. OBJECTS OF THE CONSPIRACY

Beginning on a date unknown, but at least as early as in or
around August 2015, and continuing to at least on or about September

1 15, 2015, in Orange and Los Angeles Counties, within the Central
2 District of California, and elsewhere, defendants JOHN STEVEN VO,
3 also known as ("aka") "Phong Cao Nguyen" ("VO"), CHRISTOPHER HOANG
4 DO, aka "Andrew Nguyen" ("DO"), DAT THE PHAM ("PHAM"), and VU TIEN
5 NGUYEN ("V. NGUYEN"), and others known and unknown to the Grand Jury,
6 combined, conspired, and agreed to commit the following offenses
7 against the United States:

8 1. Knowingly, and with intent to defraud, in a manner
9 affecting interstate commerce, possessing fifteen or more counterfeit
10 and unauthorized access devices, in violation of Title 18, United
11 States Code, Section 1029(a)(3);

12 2. Knowingly, and with intent to defraud, in a manner
13 affecting interstate commerce, possessing and having control and
14 custody of access device-making equipment, in violation of Title 18,
15 United States Code, Section 1029(a)(4); and

16 3. Knowingly, and with intent to defraud, in a manner
17 affecting interstate commerce, effecting transactions, with one or
18 more access devices issued to another person or persons, to receive
19 payment or any other thing of value during any one-year period the
20 aggregate value of which is equal to \$1,000 or more during that
21 period, in violation of Title 18, United States Code, Section
22 1029(a)(5).

23 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
24 ACCOMPLISHED

25 The objects of the conspiracy were to be accomplished, in
26 substance, as follows:

27 1. Defendants VO and DO, together with others known and
28 unknown to the Grand Jury, would obtain stolen mail containing

1 American Express credit cards and American Express credit card
2 account numbers.

3 2. Defendant VO would possess device-making equipment,
4 including a magnetic stripe card reader writer, a card printer, and
5 an embossing machine, to manufacture unauthorized and counterfeit
6 American Express credit cards.

7 3. Defendants VO and DO would emboss American Express credit
8 cards with one of their names, an alias of theirs, or the name of
9 another person.

10 4. Defendants VO, DO, PHAM, and V. NGUYEN would purchase, or
11 attempt to purchase, gift cards using unauthorized and counterfeit
12 American Express credit card account numbers.

13 C. OVERT ACTS

14 In furtherance of the conspiracy and to accomplish its objects,
15 on or about the following dates, defendants VO, DO, PHAM, and V.
16 NGUYEN, and others known and unknown to the Grand Jury, committed the
17 following overt acts, among others, within the Central District of
18 California, and elsewhere:

19 1. In or around August 2015, defendant VO told an employee of
20 Vons, located at 27320 Alicia Parkway, Laguna Niguel, California (the
21 "Laguna Niguel Vons"), that defendant VO was training defendant PHAM
22 and another unidentified co-conspirator to purchase gift cards at the
23 Laguna Niguel Vons using American Express credit cards.

24 2. On or about August 26, 2015, using an unauthorized American
25 Express credit card issued in the name of a victim with initials
26 K.K.K., defendant PHAM purchased gift cards at the Laguna Niguel
27 Vons, at a price of approximately \$4,553.55.

1 3. On or about August 26, 2015, using an unauthorized American
2 Express credit card issued in the name of a victim with initials
3 M.R.B., defendant V. NGUYEN attempted to purchase gift cards at the
4 Laguna Niguel Vons, at a price of approximately \$5,072.46.

5 4. On or about August 26, 2015, using an unauthorized American
6 Express credit card issued in the name of a victim with initials
7 M.R.B., defendant V. NGUYEN attempted to purchase gift cards at the
8 Laguna Niguel Vons, at a price of approximately \$3,035.70.

9 5. On or about August 30, 2015, using an unauthorized American
10 Express credit card issued in the name of a victim with initials
11 B.C.L., defendant VO purchased gift cards at the Laguna Niguel Vons,
12 at a price of approximately \$5,095.50.

13 6. On or about September 2, 2015, using a counterfeit and
14 unauthorized American Express credit card issued in the name of a
15 victim with initials J.A.C., embossed with the name of P.C.N.,
16 defendant VO attempted to purchase gift cards at the Laguna Niguel
17 Vons, at a price of approximately \$6,577, and presented a counterfeit
18 driver's license in the name of P.C.N. as a form of identification.

19 7. On or about September 2, 2015, using a counterfeit and
20 unauthorized American Express credit card issued in the name of a
21 victim with initials T.B.D., embossed with the name of P.C.N.,
22 defendant VO attempted to purchase gift cards at the Laguna Niguel
23 Vons, at a price of approximately \$6,577, and presented a counterfeit
24 driver's license in the name of P.C.N. as a form of identification.

25 8. On or about September 3, 2015, using an unauthorized
26 American Express credit card issued in the name of a victim with
27 initials C.K., defendant PHAM attempted to purchase gift cards at the
28 Laguna Niguel Vons, at a price of approximately \$4,553.55.

1 9. On or about September 4, 2015, after defendant VO purchased
2 gift cards using unauthorized and counterfeit American Express credit
3 cards at the Laguna Niguel Vons, defendant V. NGUYEN drove defendant
4 VO from the Laguna Niguel Vons to defendant VO's residence on West
5 Highland Avenue, in Santa Ana, California (the "Highland Residence").

6 10. On or around September 13, 2015, using an unauthorized and
7 counterfeit American Express credit card issued in the name of a
8 victim with initials G.M.H., defendant DO purchased gift cards at
9 Vons, located at 5600 East Santa Ana Canyon Road, Anaheim,
10 California, at a price of approximately \$5,583.

11 11. On or about September 14, 2015, using an unauthorized
12 American Express credit card issued in the name of a victim with
13 initials A.K.M., defendant DO attempted to purchase gift cards at
14 Vons, located at 1820 Ximeno Avenue, Long Beach, California (the
15 "Long Beach Vons"), at a price of approximately \$5,059.50.

16 12. On or about September 14, 2015, using an unauthorized
17 American Express credit card issued in the name of a victim with
18 initials S.S.R., defendant VO attempted to purchase gift cards at the
19 Long Beach Vons, at a price of approximately \$5,009.36.

20 13. On or about September 15, 2015, defendants VO, DO, PHAM,
21 and V. NGUYEN met at the Highland Residence.

22 14. On or about September 15, 2015, at the Highland Residence,
23 defendant VO possessed approximately 49 pieces of American Express
24 mail, device-making equipment, including a magnetic stripe card
25 reader writer, a card printer, and an embossing machine, 121
26 unauthorized and counterfeit American Express credit cards, including
27 counterfeit American Express credit cards embossed with the names of
28

1 A.N. and P.C.N., a counterfeit driver's license in the name of
2 P.C.N., and one Vons Club card.

3 15. On or about September 15, 2015, in a vehicle parked in the
4 driveway of the Highland Residence, defendant DO possessed
5 approximately three pieces of American Express mail, thirteen
6 unauthorized and counterfeit American Express credit cards, including
7 counterfeit American Express credit cards embossed with the names of
8 A.N. and P.C.N., a counterfeit driver's license in the name of A.N.,
9 and one Vons Club card.

COUNT TWO

[18 U.S.C. § 1029(a)(3), (c)(1)(B)]

On or about September 15, 2015, in Orange County, within the Central District of California, defendant JOHN STEVEN VO, also known as ("aka") "Phong Cao Nguyen" ("VO"), knowingly and with intent to defraud, possessed at least fifteen counterfeit and unauthorized access devices, as defined in Title 18, United States Code, Sections 1029(e)(1), (2), and (3), namely, approximately 121 American Express credit card numbers, and twenty California Driver's License numbers, in the names of and belonging to persons other than defendant VO, obtained with an intent to defraud, with said possession affecting interstate and foreign commerce.

Such possession occurred after defendant VO had been convicted of an offense under Title 18, United States Code, Section 1029, namely, Conspiracy to Commit Access Device Fraud, in violation of Title 18, United States Code, Section 1029(b)(2), in the United States District Court for the Central District of California, Case Number SA CR 03-229-JVS, on or about June 8, 2005.

COUNT THREE

[18 U.S.C. § 1029(a)(3)]

On or about September 15, 2015, in Orange County, within the Central District of California, defendant CHRISTOPHER HOANG DO, also known as ("aka") "Andrew Nguyen" ("DO"), knowingly and with intent to defraud, possessed at least fifteen counterfeit and unauthorized access devices, as defined in Title 18, United States Code, Sections 1029(e)(1), (2), and (3), namely, approximately thirteen American Express credit card numbers, one California Driver's License number, two social security numbers, and no less than 150 bank account numbers and routing numbers, in the names of and belonging to persons other than defendant DO, obtained with an intent to defraud, with said possession affecting interstate and foreign commerce.

COUNT FOUR

[18 U.S.C. § 1029(a)(3)]

On or about September 15, 2015, in Orange County, within the Central District of California, defendant PHI HUNG NGUYEN, also known as ("aka") "Joshua Liang," aka "Haghighi Niloufar," aka "Yang Li Jing" ("P. NGUYEN"), knowingly and with intent to defraud, possessed at least fifteen counterfeit and unauthorized access devices, as defined in Title 18, United States Code, Sections 1029(e)(1), (2), and (3), namely, approximately six American Express credit card numbers, four Chase credit card numbers, and no less than 150 bank account numbers and routing numbers, in the names of and belonging to persons other than defendant P. NGUYEN, obtained with an intent to defraud, with said possession affecting interstate and foreign commerce.

COUNT FIVE

[18 U.S.C. § 1029(a)(4), (c)(1)(B)]

On or about September 15, 2015, in Orange County, within the Central District of California, defendant JOHN STEVEN VO, also known as "Phong Cao Nguyen" ("VO"), together with others known and unknown to the Grand Jury, knowingly and with intent to defraud, possessed and had control and custody of device-making equipment, as defined in Title 18, United States Code, Section 1029(e)(6), namely, a MSR606 Magnetic Stripe Card Reader Writer, bearing serial number A6140702465, a Fargo Electronics Persona C30e model number 054400 card printer, bearing serial number A8270261, and a Wonder embossing machine, bearing identification number 16HFS001-60X90-0611 P0324-0016, with said possession affecting interstate and foreign commerce.

Such possession occurred after defendant VO had been convicted of an offense under Title 18, United States Code, Section 1029, namely, Conspiracy to Commit Access Device Fraud, in violation of Title 18, United States Code, Section 1029(b)(2), in the United States District Court for the Central District of California, Case Number SA CR 03-229-JVS, on or about June 8, 2005.

COUNT SIX

[18 U.S.C. §§ 1029(a)(5), 2(a)]

Beginning from in or around August 2015, and continuing to at least on or about September 15, 2015, in Orange and Los Angeles Counties, within the Central District of California, and elsewhere, defendants JOHN STEVEN VO, also known as ("aka") "Phong Cao Nguyen," CHRISTOPHER HOANG DO, aka "Andrew Nguyen," DAT THE PHAM, and VU TIEN NGUYEN, together with others known and unknown to the Grand Jury, aiding and abetting one another, with access devices (as defined in Title 18, United States Code, Sections 1029(e)(1) and (3)) issued to other persons, namely, American Express credit card numbers, knowingly and with intent to defraud effected transactions in and affecting interstate and foreign commerce, and by such conduct received payment and things of value, their value totaling \$1,000 or more, during the period described above.

COUNT SEVEN

[18 U.S.C. § 1028A(a)(1)]

Beginning on or about September 2, 2015, and continuing to on or about September 15, 2015, in Orange County, within the Central District of California, defendant JOHN STEVEN VO, also known as "Phong Cao Nguyen" ("VO"), knowingly transferred, possessed, and used, without lawful authority, a means of identification that defendant VO knew belonged to another person, namely, the name and address of P.C.N., contained on the counterfeit California Driver's License in the name of P.C.N., during and in relation to the offenses of Possession of Fifteen or More Counterfeit and Unauthorized Access Devices, a felony violation of Title 18, United States Code, Sections 1029(a)(3), as charged in Count Two of the Indictment, and Access Device Fraud, a felony violation of Title 18, United States Code, Sections 1029(a)(5) and 2(a), as charged in Count Six of the Indictment.

COUNT EIGHT

[18 U.S.C. § 1028A(a)(1)]

On or about September 15, 2015, in Orange County, within the Central District of California, defendant CHRISTOPHER HOANG DO, also known as "Andrew Nguyen" ("DO"), knowingly transferred, possessed, and used, without lawful authority, a means of identification that defendant DO knew belonged to another person, namely, the name and address of A.N., contained on the California Driver's License issued in the name of A.N., during and in relation to the offense of Possession of Fifteen or More Counterfeit and Unauthorized Access

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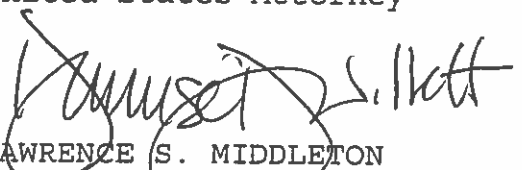
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1 Devices, a felony violation of Title 18, United States Code, Section
2 1029(a)(3), as charged in Count Three of the Indictment.

3
4 A TRUE BILL

5
6
7 Foreperson

8 EILEEN M. DECKER
9 United States Attorney

10 
11 LAWRENCE S. MIDDLETON
12 Assistant United States Attorney
Chief, Criminal Division

13 DENNISE D. WILLETT
14 Assistant United States Attorney
Chief, Santa Ana Branch Office

15 JOSEPH T. MCNALLY
16 Assistant United States Attorney
17 Deputy Chief, Santa Ana Branch
Office

18 SCOTT D. TENLEY
Assistant United States Attorney